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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/630,584 | 08/03/2000 | Masaki Seike | 32857 | 9239 |

116 7590 05/20/2005

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EXAMINER

PEREZ GUTIERREZ, RAFAEL

| | |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
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2686

DATE MAILED: 05/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/630,584

Applicant(s)

Seike et al.

Examiner

Rafael Perez-Gutierrez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-10,13-16 and 20-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 3-7 and 10 is/are allowed.
- 6) ☒ Claim(s) 1,8,9,13-16 and 20-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 August 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. This Action is in response to Applicant's amendment filed on November 4, 2004. **Claims 1, 3-10, 13-16, and 20-22** are now pending in the present application. **This Action is made FINAL.**

Priority

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Objections

3. **Claims 20 and 21** are objected to because of the following informalities:

a) On **line 6 of claims 20 and 21**, replace "the" with --an-- after "of" in order to provide proper antecedent basis for to "information item".

Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office Action:

A person shall be entitled to a patent unless -- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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Claims 1, 8, 9, 13-16, and 20-22 are rejected under 35 U.S.C. 102(b) as being anticipated by **Barber et al. (U.S. Patent # 5,471,518)**.

Consider **claims 1, 8, 13, 15, 16, and 20-22**, Barber et al. clearly show and disclose a method and a cellular telephone 10 (mobile communication terminal) (figure 1) comprising:

a central processing unit (CPU) 18 (information managing portion) (figure 1 and column 3 lines 49-54);

a random access memory (RAM) 20 (volatile storage medium) (figure 1); and

a flash (ROM) memory 36 (nonvolatile storage medium) (figure 1) managed by the CPU 18 (information managing portion) and having a plurality of memory sectors (areas) 40, 42, 44, and 46 each for storing a value of an information item that is regularly accessed (e.g., volume data, air-time information, speed dial numbers) (column 1 lines 43-52, column 2 lines 57-62, and column 4 lines 43-47), wherein said CPU 18 (information managing portion) stores one value of the information item in one memory sector (area) at regular time intervals by cycling through the plurality of memory sectors (areas) 40, 42, 44, and 46 such that each of plurality of memory sectors (areas) 40, 42, 44, and 46 has a value of the information item stored therein, with each value being temporally shifted when compared to each other, when said CPU 18 (information managing portion) subsequently stores an updated value of the information item in a different memory sector (area) such that the one value and the update value are both concurrently stored in the flash memory 36 (nonvolatile storage medium) for some time period (column 2 line 34 - column 3 line 16),

wherein said CPU 18 (information managing portion) associates a management number

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(e.g. tag value) with each stored value of the information item, with a different management number indicating an update of the stored value compared to the management number of the previously stored value (column 3 lines 7-22), and wherein a request for a current value of the information item is received, the CPU 18 (information managing portion) utilizes the management number to select the updated value of the information item stored in the flash memory 36 (nonvolatile storage medium) (i.e., the CPU determines which of the values of the information item stored was most recently stored and retrieves that value) (column 3 lines 7-16 and column 4 line 61 - column 5 line 66).

Consider **claims 9 and 14**, and as **applied to claims 1 and 16 above**, Barber et al. further show and disclose only a single power source 38 (battery) (figure 1 and column 4 lines 7 and 8).

Allowable Subject Matter

5. **Claims 3-7 and 10** are allowed.

6. The following is an Examiner's statement of reasons for allowance:

Claims 3-7 and 10 are allowed in view of Applicant's arguments, on pages 13 and 14 of the remarks, filed on November 2, 2004

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for

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Allowance”.

Response to Arguments

7. Applicant's arguments filed on November 2, 2004 with respect to **claims 1, 16, and 20-22** have been considered but are moot in view of the new ground(s) of rejection necessitated by the new limitations added to claim 1 and the newly added claims 20-22. See the above rejection of claims 1 and 20-22 for the relevant citations found in Barber et al. disclosing the newly added limitations/claims. As for claim 16, also see the above rejection for the relevant citations found in Barber et al. disclosing the feature of “temporally shifted”. Essentially in Barber et al., when the item is updated and stored, it is necessarily temporally shifted when compared to the previous value of the item.

Therefore, in view of the above reasons and having addressed each of Applicant's arguments, the previous rejection is maintained and made FINAL by the Examiner.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office Action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

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MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any response to this Office Action should be **faxed to (703) 872-9306 or mailed to:**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Hand-delivered responses should be brought to

Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

10. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Rafael Perez-Gutierrez whose telephone number is (571) 272-7915. The Examiner can normally be reached on Monday-Thursday from 6:30am to 5:00pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Marsha D. Banks-Harold can be reached on (571) 272-7905. The fax phone number

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for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.


Rafael Perez-Gutierrez
R.P.G./rpg **RAFAEL PEREZ-GUTIERREZ**
PATENT EXAMINER

May 16, 2005